

4-26-01

Docket # PF-0456-2 DIV

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By: [Signature]

Printed: Teodoro Martinez

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
REQUEST FOR FILING A PATENT APPLICATION UNDER 37 CFR 1.53(b)**

Commissioner for Patents
Box Patent Application
Washington, D.C. 20231

Dear Sir:

This is a request for filing a **DIVISIONAL** application under 37 CFR 1.53(b) of pending prior application Serial No.09/360,125, filed on July 23, 1999, which is a divisional of Serial No. 09/004,502, filed January 8, 1998 both of which are entitled HUMAN MEMBRANE RECYCLING PROTEINS.

1. X Enclosed is a specification corresponding to the prior application, U. S. Application Serial No.09/360,125 filed July 23, 1999, including the oath or declaration as originally signed. The specification does not contain any subject matter that would have been new matter in the prior application.
2. X With regard to the requirement of 37 CFR 1.821(e) which requires that a copy of the Sequence Listing in computer readable form (CRF) be submitted, Applicants state that the paper copy of the Sequence Listing for the instant divisional application is identical with the computer readable form filed with Serial No. 09/004,502, filed January 8, 1998, to which priority is claimed. In accordance with 37 C.F.R. §1.821(e), please use the computer readable form filed with U.S. Application Serial No. 09/004,502 as the computer readable form for the instant divisional application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant divisional application.
3. X Cancel in this application original claims 2-9, 11-28 and 45-48 before calculating the filing fee, without prejudice or disclaimer. Applicants submit that these claims were included in the application as filed in the interest of providing notice to the public of certain specific subject matter intended to be claimed, and are being canceled at this time in the interest of reducing filing costs. Applicants expressly state that these claims are not being canceled for reasons related to patentability, and are in fact fully supported by the specification as filed. Applicants expressly reserve the right to reinstate these claims or to add other claims during prosecution of this application or a continuation or divisional application. Applicants expressly do not disclaim the subject matter of any invention disclosed herein which is not set forth in the instantly filed claims.
4. X The inventor(s) of the invention being claimed in this application is (are): Preeti Lal, Purvi Shah, and Neil C. Corley.
5. X In accordance with 37 CFR 1.63(d) a copy of the originally signed declaration showing

applicants' signatures as filed on May 18, 1998 is enclosed.

6. ____ Amend the specification by inserting after the title: "This application is a divisional application of U.S. application serial number 09/360,125, filed July 23, 1999, all of which applications and patents are hereby incorporated herein by reference."
7. X The filing fee is calculated below:

Claims	Number Filed	Minus	Number Extra	Other Than Small Entity		Basic Fee
				Rate	Fee	\$710.00
Total Claims	18	-20	0	x \$18	0	\$0
Indep. Claims	1	-3	0	x \$80	0	\$0
__ Multiple Dependent Claim(s), if any				+ \$270		\$0

TOTAL FILING FEE \$ 710.00

8. ____ An extension of time in the above-named prior application has been requested and the fees therefore have been authorized in said application.

9. X Please charge Deposit Account No. 09-0108 in the amount of \$ 710.00 .

The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account No. 09-0108.

A **duplicate** copy of this Request is enclosed.

10. X New formal drawings are enclosed.
11. X The prior application is assigned of record to Incyte Pharmaceuticals, Inc., recorded on May 21, 1998, at reel 9744/frame 0393.
12. X A preliminary amendment is enclosed.
13. X Also enclosed Information Disclosure Statement (2 pp., in duplicate), List of References Cited by Applicants (1 pg.).
14. X The power of attorney of the prior application is to:

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Michael C. Cerrone
Diana Hamlet-Cox
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Reg. No. 37,027
Reg. No. 46,740
Reg. No. 44,817
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Reg. No. 47,016
Reg. No. 44,316
Reg. No. 41,327
Reg. No. 43,168

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Reg. No. 47,139
Reg. No. 45,167
Reg. No. 41,420

- ___ The associate power of attorney in the prior application is to:
- a. ___ An associate power of attorney is attached.
- b. ___ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. X Address all future correspondence to:

INCYTE GENOMICS, INC.
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- ___ Inventor(s)
- ___ Assignee of complete interest
- X Attorney or agent of record
- ___ Filed under 37 CFR 1.34(a)
- ___ Registration number if acting under 37 CFR 1.34(a) _____.